



2. Plaintiffs have complied with state law and are both properly registered to vote in the upcoming November 4, 2008 Elections.
3. Plaintiffs will vote in the November 4, 2008 Elections.
4. Plaintiffs both voted in the November, 2004 and November, 2006 Elections.
5. Plaintiffs are concerned that the political and election-related activity of Defendants has ostensibly diluted the value of their votes in past elections, in will dilute the value of their votes future elections, including the November, 2008 Elections.
6. Defendant Association of Community Organizations for Reform Now (hereinafter "ACORN") is, upon information and belief, a nonprofit corporation, incorporated in Arkansas, with its principle places of business in Washington, D.C and Louisiana, and registered with the Ohio Secretary of State as a foreign, non-profit corporation, license number 564765.
7. Defendant Project Vote/Voting for America, Inc. is organized under the laws of Louisiana, and registered with the Ohio Secretary of State as a foreign, non-profit corporation, license number 1486192.
8. Defendant Project Vote is organized under the laws of Louisiana.
9. Project Vote is ACORN's "voter-mobilization arm."
10. Citizen Services, Inc. is not registered in Ohio. Any reference to ACORN heretofore includes any conduct of Citizen Services, Inc.
11. Citizen Services, Inc. and ACORN share the same board of directors.
12. Project Vote, regularly advises Ohio Secretary of State Jennifer Brunner (hereinafter "Secretary Brunner") on election strategy, and recently issuing a news release claiming credit for Secretary Brunner's directive restricting challenges to suspected unlawful voter registrations.
13. According to the September 24, 2008 Congressional testimony of James Terry, Chief Public Advocate of the Consumer Rights League (hereinafter "Congressional testimony"), while "ACORN says they don't take federal money,... Acorn Housing Corporation receives millions of dollars from the federal government, and from 2004 to 2006, funneled 4.6 million to ACORN." Upon information and belief, ACORN has used, and continues to use, taxpayer funds to support unlawful political operations.
14. According to Congressional testimony, "ACORN's massive enterprise includes as many as 150 subsidiary organizations, according to a recent legal filing by members of its board of directors. This list includes two affiliated labor union locals, TV and radio broadcast operations, immense housing counseling operations, and a number of lobbying and political entities. In all, ACORN's total operation this year has an estimated budget

of \$110 million. \* \* \* [T]hese organizations are operated as a single enterprise, which is controlled from the top down.”

15. According to Congressional testimony “[ACORN’s] practice of juggling funds and blame between entities has often created a good deal of confusion as to which crimes are allegedly committed by ACORN and which activities are those of subsidiaries such as the "non-partisan" 501(c)(3) Project Vote and the political operative organization known as Citizen Services, Inc.”
16. According to Congressional testimony, “evidence indicates that the non-profit organization known as Project Vote and the political operative organization known as Citizens Services Inc. are wholly owned subsidiaries of the ACORN web of organizations. There should be no distinction between crimes or alleged crimes perpetrated by personnel from Project Vote and those from ACORN.”
17. According to Congressional testimony, “[f]irsthand accounts from current and former ACORN employees, major news stories, and court cases across the country, expose corruption at every level of ACORN including embezzlement, cover-ups, misuse of taxpayer funds and voter fraud.”
18. Defendants have engaged in massive voter registration drives and political canvassing throughout the state of Ohio and the United States of America; some of this work is performed on behalf of a current United States of America presidential candidate, Illinois Senator Barack Obama.
19. ACORN's political wing has endorsed Senator Obama for president, and during the primary season, the Obama for President Campaign paid Citizen Services Inc., \$832,598 for various political services according to Federal Elections Commission filings.
20. Defendants have engaged in aggressive unlawful voter registration activities throughout Ohio and the nation, and is likely to continue to do so through the November 4, 2008 Elections and beyond.
21. Every unlawful voter registration is a potential illegal vote that dilutes that has the capacity to dilute the votes of Plaintiffs and others who have dutifully and lawfully complied with registration requirements, and are lawfully eligible to vote.

#### **JURISDICTION AND VENUE**

22. This Court has subject matter jurisdiction pursuant to Article IV, Section 4(b) of the Ohio Constitution and R.C. 2923.34(B).
23. This Court has personal jurisdiction over the Defendants because they have transacted business in Ohio, out of which the claims asserted herein have arisen.

24. Venue is proper in Warren County because Plaintiffs reside in Warren County and this is an action described in Civ. R. 4.3, as provided in Civ. R. 3(B)(7), as to Defendants, as required under Civ. R. 3(E) for venue over all parties and claims.

**COUNT 1: VIOLATIONS OF THE OHIO CORRUPT ACTIVITY ACT**

25. Plaintiffs hereby incorporate by reference the allegations contained in the preceding paragraphs.

**The Enterprise**

26. ACORN is a “person,” as defined in R.C. 2923.31(G), and R.C. 1.59(C).
27. Project Vote is a “person” as defined in R.C. 2923.31(G), and R.C. 1.59(C).
28. ACORN is an “Enterprise,” as that term is defined in R.C. 2923.31(C).
29. In the alternative, ACORN has combined with one or more of the following groups to form an Enterprise: (1) Project Vote; (2) Citizen Services, Inc.; (3) canvassers who collected unlawful voter registrations, including some who are already identified and some who have yet to be identified.
30. If ACORN voter registration canvassers are/were independent contractors, then they combined with ACORN, Project Vote, and others to form an “Enterprise.”
31. If ACORN voter registration canvassers are/were *not* independent contractors, then they are/were employees of ACORN and/or Project Vote, and ACORN and/or Project Vote is responsible for their actions under the civil doctrines of respondeat superior, and the tenets of strict liability set forth in *State v. Schlosser*, *State v. Nasrallah*, and *State v. Feliciano*. (Citations omitted).
32. The Enterprise existed or exists separate and distinct from Defendants, insofar as it includes Citizen Services, Inc. and the specified ACORN agents.
33. The Enterprise existed or exists separate and distinct from the Pattern of Corrupt Activity, insofar as each specified party engages in some lawful activity that is not at issue in this case.
34. There is an “association in fact” amongst defendants ACORN and Project Vote, insofar as ACORN and Project Vote are coordinated in such a way that they function as a continuing unit, with a common hierarchy, common management, and common control.
35. The enterprise amongst ACORN, Project Vote, and others is targeted towards inflating the number of registered voters, irrespective of whether those registrations are legal or unlawful.
36. ACORN’s attorney, Elizabeth Kingsley, has stated that ACORN’s voter registration efforts are largely underwritten by Project Vote.

37. Project Vote hires ACORN to do voter registration work on its behalf, and Defendants have or had a written agreement to this effect.
38. While Project Vote is not prohibited from engaging in political activity, the money that it conveys to ACORN is used for political activity.
39. Until the summer of 2008, Project Vote's board was comprised entirely of ACORN members.
40. ACORN has 174 Affiliates that are also part of the enterprise. According to an ACORN attorney, these affiliates do not hold board meetings or keep minutes.
41. Several Project Vote board members, George Hampton and Cleo Mata, have indicated that, although they served on Project Vote's board, they did not even know that they had so served, and only identified themselves as members of ACORN.
42. Through its indifference as to the lawfulness of the voter registrations that it collects and submits, the enterprise threatens to dilute the votes of Plaintiffs.

#### **The Pattern of Corrupt Activity**

43. Defendants conducted, and participated in, the affairs of the aforementioned Enterprise(s) through a pattern of corrupt activity.
44. Beginning no later than 2003, and continuing until the present day, Defendants, either first-hand or by and through their respective employees and/or agents, engaged in, attempted to engage in, conspired to engage in and/or solicited others to engage in two or more incidents of corrupt activity, specifically including, but not limited to, conduct constituting violations of R.C. 2913.31(A)(1), R.C. 2913.31(A)(2), and R.C. 2913.31(A)(3) ("Forgery," "forging identification documents," and "Uttering Forged Documents"); R.C. 2913.42(A)(1) and R.C. 2913.42(A)(2) ("Tampering with Writings and Records" and "Uttering Tampered Writings or Records"), and R.C. 2921.02 ("Bribery").
45. On occasions where the specified incidents took place in other states, those incidents were tantamount to violations of their respective Ohio counterparts.
46. Defendant ACORN knowingly received proceeds derived directly or indirectly from the pattern of corrupt activity, and used the specified proceeds in the operation of an enterprise, in contravention of R.C. 2923.32(A)(3).
47. Defendant ACORN has, as contemplated by R.C. 2923.34(B)(5), in conducting the affairs of the enterprise, authorized or engaged in conducting in violation of R.C. 2923.32.
48. Pursuant to R.C. 2923.03, the Defendants were complicit in the acts of ACORN employees, insofar as they solicited and/or procured ACORN employees/contractors to commit the predicate offenses and/or aided and abetted ACORN employees/contractors in the commission of the predicate offenses.

49. Pursuant to R.C. 2923.02, Defendants purposefully and/or knowingly engaged in, or used others to engage in, conduct that if successful, would have the effect of violations of R.C. 2913.31(A)(1), R.C. 2913.31(A)(2), and R.C. 2913.31(A)(3) (“Forgery” and “Uttering Forged Documents”); R.C. 2913.42(A)(1) and R.C. 2913.42(A)(2) (“Tampering with Writings and Records” and “Uttering Tampered Writings or Records”).
50. Through engaging in violations of R.C. 2913.31(A)(1), R.C. 2913.31(A)(2), and R.C. 2913.31(A)(3) (“Forgery” and “Uttering Forged Documents”); R.C. 2913.42(A)(1) and R.C. 2913.42(A)(2) (“Tampering with Writings and Records” and “Uttering Tampered Writings or Records”), Defendants engaged in this conduct with indifference as to whether the registrations they gather and submitted are/were valid or invalid.
51. According to Congressional testimony, ACORN stands out for its pattern of unlawful voter registration stretching back a decade. Rather than showing any signs of improvement, all signs point to increased lawbreaking.
52. Plaintiffs are injured or threatened with injury through Defendants’ violation of R.C. 2923.32.
53. Specifically, Defendants pattern of corrupt activity has, will, or threatens to proximately cause dilution of Plaintiffs’ right to cast an undiluted, undiminished vote.
54. In furtherance of this scheme, Defendants perpetrated the Incidents of Corrupt Activity specified below.
55. All specified incidents are/were committed within the scope of the common purpose of gather and submitting voter registrations irrespective of their lawfulness, are/were explicitly or implicitly authorized by Defendants, and thus amount to acts of Defendant.

#### **Incidents of Corrupt Activity in Ohio**

56. On or about October 21, 2008, and in Summit County, Ohio, the Summit County Board of Elections rejected the voter registrations of at least 668 people as fraudulent, and are investigating another 500. Elections officials indicated that many of these registrations were submitted by Defendants.
57. On or about October, 2008, and in Hamilton County, Ohio, the Hamilton County Prosecutor asked that 610 votes cast between September 20 and October 6, 2008 be quarantined and not counted, after of the 610 registrations, 166 could not be found, and 100 did not have the same address listed on their registrations. Upon information and belief, these registrations were at least partially attributable to Defendants.
58. On or about October, 2008, and in Hamilton County, Ohio, a news publication discovered that 17 people were registered to vote at fictional addresses that would place them in the Ohio River, and 46 were registered at addresses coinciding with Paul Brown

Stadium and/or its parking lot. Upon information and belief, these registrations are at least partially attributable to Defendants.

59. On or about October, 2008, and in Hamilton County, Ohio, it was discovered that 589 recently-registered Ohio voters were under the age of 18, and not eligible to vote. Upon information and belief, Defendants are at least partially responsible for this fraud.
60. On or about October, 2008, and in Hamilton County, Ohio, it was discovered that at least 6,567 Ohio voters have registered to vote from the same address more than once, while 157 voters, mostly in Cuyahoga County, are registered three or more times. Upon information and belief, Defendants are at least partially responsible for this unlawful voter registration.
61. On or about October, 2008, and in Hamilton County, Ohio, it was discovered that 695 voters were registered at the address of the Drop Inn Center, a homeless shelter in Cincinnati, even though the maximum capacity of that facility is 200 people per day.
62. On or about October, 2008, and in the state of Ohio, ACORN admitted to “errors in the process” that led to a “handful” of unlawful registrations.
63. ACORN, has turned in at least 65,000 voter registration cards to the Cuyahoga County Board of Elections in the last year.
64. On or about October 20, 2008, and in Cuyahoga County, Ohio, former ACORN employee/contractor Teshika Elder, of Cleveland, indicated that ACORN held meetings every morning where they would identify a “quota,” and “if you didn’t get it, you’d be fired.”
65. On or about October 20, 2008, and in Cuyahoga County, Ohio, former ACORN canvassers Jaymes Sanford, Selvin Cunningham, and Teshika Elder, all of Cleveland, indicated that desperate canvassers attempted to make their quota by trading cash, cigarettes, and food in exchange for voter registrations. The three further indicated that “people are scared of not making their quotes,” and that “the pressure you were under forced you to [trade things for voter registrations].” Ms. Elder added “[ACORN] is pretty lenient if you’re off by just a few names. But if you’re repeatedly missing quota, if you only had three for four people sign up, then you might start paying people.”
66. On or about October, 2008, and in Cuyahoga County, Ohio, a current ACORN director indicated that canvassers who committed bribery were not fired, stating “those guys are still working at ACORN. We know who they are; we’ve told them not to do it. But they weren’t among the people fired.”
67. On or about October, 2008, and in Cuyahoga County, Ohio, a current ACORN director indicated that teams leaders are paid \$9 per hour, and are required to get 26 registrations

per day, while canvassers are paid \$8 per hour, and are required to gather 22 registrations per day.

68. The Cuyahoga County Board of Elections estimates that it has received more than 8,700 suspect voter registration cards from ACORN.
69. On or about October 16, 2008, and in Franklin County, Ohio, Secretary of State Jennifer Brunner indicated that a preliminary review of demonstrated that approximately 200,000 of the approximately 660,000 voters registered since January 1, 2008 have driver's license numbers or Social Security numbers that do not match information on their voter-registration forms. Upon information and belief, many of these mismatched ballots were submitted by Defendants.
70. On or about October 8, 2008, and before the Cuyahoga County Board of Elections in Cuyahoga County, Ohio, at a hearing related to ACORN's unlawful voter registration activities, two Ohio voters, including Christopher Barkley, claimed that they were hounded by ACORN to register to vote several times, even though they made it clear they'd already registered to vote. Barkley estimated he'd registered to vote "10 to 15" times after canvassers for ACORN relentlessly pursued him and others. "I kept getting approached by folks who asked me to register," Mr. Barkley said. "They'd ask me if I was registered. I'd say yes, and they'd ask me to do it [register] again. Some of them were getting paid to collect names. That was their sob story, and I bought it," he said.
71. Another witness subpoenaed to testify at the same October 8, 2008 hearing, Lateala Goins stated "[y]ou can tell them you're registered as many times as you want - they do not care, ...they will follow you to the buses, they will follow you home, it does not matter." She added that she never put down an address on any of the registration forms, just her name.
72. ACORN admitted to the Cuyahoga County Board of Elections that the group engages in unlawful voter registration activity.
73. Ohio ACORN officials "blamed the elections board for not scrutinizing ACORN's suspicious cards," claiming the group "can't be expected to catch everything."
74. Local representatives of the organization told Cuyahoga County Board of Elections members that they don't have the resources to identify fraudulent cards turned in by paid canvassers.
75. ACORN bribed and/or pressured Freddie Johnson of Cleveland to register to vote 72 times. Johnson filled out 72 separate voter-registration cards over an 18-month period at the behest of ACORN. Johnson stated "[s]ometimes, they come up and bribe me with a cigarette, or they'll give me a dollar to sign up, \* \* \* The ACORN people are everywhere, looking to sign people up. I tell them I am already registered. The girl said,



'You are?' I say, 'Yup,' and then they say, 'Can you just sign up again?'" He'd collected 10 to 20 cigarettes and anywhere from \$10 to \$15, he said.

76. In Columbus, Ohio, several Columbus citizens have acknowledged to reporter Shelby Holliday, on video tape, that ACORN's voter registration efforts include harassing and begging voters to register more than once, even when the voter tells the ACORN agent that he or she is already registered, and offering favors in exchange for voting.
77. In Greene County, Ohio ACORN's unlawful voter registration efforts have led to a criminal investigation by the Sherriff and Prosecutor.
78. On May 8, 2007, a Reynoldsburg, Ohio (Franklin County) man was indicted for voting twice in the November, 2006 election. ... [An attorney] said the man, Mr. Gilbert, was registered in both counties by ACORN.
79. On or about September 19, 2006, the mother of a 16-year-old has told the Summit County elections board that her daughter was registered to vote, just two months after a 10-year-old boy was summoned for jury duty because he was on the county's voter rolls. The person who filed the voter registration application was Prentice McNary of Akron, a circulator paid by ACORN, according to Summit Count Board of Elections Director Bryan Williams.
80. On or about September 1, 2006, Franklin County Elections Board staffers questioned the validity of hundreds of names on registration forms and petitions for a proposed constitutional amendment to boost Ohio's minimum wage. Most of the disputed names came from lists provided by paid solicitors working for ACORN.
81. On or about August 11, 2006, and according to Matt Damschroder, director of the Franklin County Board of Elections, 500 voter registration cards, all collected by ACORN between March and July of 2006, were turned over to County Prosecutor Ron O'Brien to determine if a crime had been committed.
82. Between Fall 2003 and June 2004, ACORN submitted approximately 23,000 voter registration cards in Franklin County, Ohio. The Franklin County Board of Elections discovered that voter registration cards submitted by ACORN included cards for people who did not exist. Franklin County Board of Elections Director Matthew Damschroeder characterized many of the registrations as "blatantly false," while the manager of Franklin County Voter Services confirmed that the submission of false voter registration forms has resulted in the issuance of voter identification cards that could have been used, and can be used in the future, to cast fraudulent votes in the November 2004, November 2006, and November 2008 elections.
83. On or near June 3, 2004, two ACORN agents submitted fraudulent voter registration cards forms to the Franklin County Board of Elections.
84. On or about October 8, 2004 ACORN submitted 19 false voter registration cards to the Franklin County Board of Elections, including cards identifying people who did not exist.

85. On or about October 8, 2004 ACORN submitted 19 voter registrations to the Hamilton County Board of Elections for people who could not be located by the sheriff's department after similar handwriting and false addresses raised the suspicions of elections workers. These registration cards contained forged signatures.
86. On or about September 7, 2004, ACORN employee and/or agent Kevin Eugene Dooley submitted a fraudulent voter registration card to the Franklin County Board of Elections that resulted in Mr. Dooley being charged with a felony offense for forging the voter registration card in question.
87. In September 22, 2004, the Ohio Bureau of Criminal Identification and Investigation confirmed that it was investigating over 800 fraudulent voter registration cards submitted in Summit County.
88. Numerous, perhaps thousands, of fraudulent voter registration cards have been submitted in Ohio by Defendant ACORN.

#### **Out-of-State Incidents of Corrupt Activity**

89. On or about October 17, 2008, and in New Mexico, an investigation conducted by the Republican Party discovered that, in just one state house district, in the June Democratic primary, at least 28 of 92 newly registered voters had cast votes that should not have been counted. At least several of these "voters" were registered by ACORN.
90. On October 7, 2008, Nevada state authorities representing the Nevada Secretary of State Nevada and Attorney General seized records and computers from ACORN's Las Vegas office, after fielding complaints of voter fraud. Bob Walsh, spokesman for the Nevada secretary of state's office, told FOXNews.com the raid was prompted by ongoing complaints about "erroneous" registration information being submitted by ACORN. The group was submitting the information through a voter sign-up drive known as Project Vote. "Some of them used nonexistent names, some of them used false addresses and some of them were duplicates of previously filed applications," Walsh said, describing the complaints, which largely came from the registrar in Clark County, Nevada. Secretary of State Ross Miller said the unlawful registrations included forms for the starting lineup of the Dallas Cowboys football team. Mr. Miller likened ACORN to a "bank robber," while another Nevada official indicated that ACORN made a "pathetic attempt at quality control."
91. On or about October 3, 2008, in Crown Point Indiana, ACORN submitted a pile of suspected unlawful voter registration applications to Lake County election officials, said. Lake County election workers discovered dozens of ACORN- delivered registration forms they believe contain inaccurate voter information, including one in which a dead man from Gary was listed as the applicant. None of those applications was processed. Of the 5,000 voter registrations, at least half have been found to be fraudulent, registered

to dead people, or feature signatures that all look exactly the same. Sally Lasota, a member of the Democrat party, and Director of County Elections Board stated, with respect to ACORN's submission, "it is fraud," and further noted that, "due to the volume of ACORN submissions, it amounts to less time to review all registrations."

92. In 2003, ACORN employees in Missouri turned in more than a thousand suspicious voter registration cards, with one witness indicating that a card was turned in under the name of her infant.
93. Following Colorado's 2004 election, two ex-ACORN employees were convicted of perjury for submitting false voter registration forms; one ex-ACORN employee admitted to registering her friends 40 times.
94. In 2004, police arrested a former ACORN employee who had more than 300 completed voter registration cards in the trunk of his car, many of which had not been turned in within the legal time limit.
95. In 2005, Virginia authorities found that, of a sample of Project Vote-gathered registrations, 83% were rejected for using false or questionable information.
96. In 2007, King County, Washington officials announced the indictment of seven workers ACORN had hired to register voters, calling the episode the "worst case of voter registration fraud in the history of the state." At least three of those individuals have pleaded guilty and ACORN was forced to pay a \$25,000 settlement. King County concluded that it "may have valid administrative, civil, and criminal cause of actions against ACORN stemming from ACORN's actions during a voter registration operation in King County," but agreed to forebear from prosecution. The settlement agreement limited ACORN activities, and imposed management and quality control mandates on ACORN.
97. In 2006, ACORN also committed what Washington Secretary of State Sam Reed called the "worse case of election fraud" in the state's history. In the case, ACORN submitted just over 1,800 new voter registration forms, and all but six of the 1,800 names were fake.
98. In April 2008, federal prosecutors announced guilty pleas for federal election fraud by eight former ACORN employees in Missouri, based on their activities in the 2006 election. They submitted false addresses and names, as well as forged signatures. At least one former ACORN employee was sentenced to 15 months in prison.
99. In June, 2008, the New York Times reported that Louisiana "[e]lection officials have expressed concern that large numbers of people who believe they are registered will show up at the polls in November, only to find that they cannot vote because their application had been improperly submitted." An ACORN spokesman said that it's typical for 30

percent of their cards to be duplicates or incomplete. That is a troublingly high rate of error.

100. In July, 2008, Pennsylvania officials charged a former ACORN employee with 19 counts of perjury, making false statements, forgery and identity theft in connection with the voter registration forms in connection with more than 100 suspect cards.
101. In August, 2008, the Connecticut Post reported that state officials began asking for an investigation into ACORN's registration activities, in which there were errors in 20 percent of the thousands of registration forms ACORN had turned in. Referencing the large amount of incomplete, incorrect, or improperly filed forms, one registrar said, "[s]ome of my staff has been here for 15 years and when they see ACORN come in, they start crying."
102. In August, 2008, ACORN was forced to announce that it would begin running background checks on its signature gatherers in New Mexico after it was learned that nine employees had felony criminal records ranging from forgery to identity theft to child rape. It is unclear how many of the thousands of voter registration cards containing personal information were handled by the nine felons. Bernalillo County officials are investigating 1,100 possibly unlawful cards. In one case, a series of nine cards appear to have been filled out using the phone book. ACORN's voter registration fraud in New Mexico has been a recurring theme since 2003, including its 2004 attempt to register a 13-year-old boy.
103. In 2005 the ACORN employees or agents were accused of filing as many as 3,000 false signatures on a ballot initiative.
104. In Texas, where ACORN's affiliate, Citizens Services Inc., has provided contract work on behalf of Senator Barack Obama's presidential campaign, the Houston Chronicle reported on August 17, 2008 that "[a]bout 40 percent of the 27,000 registration cards gathered by ACORN from January through July have been rejected or placed in limbo pending the gathering of more information, according to the county" while "about 6,600 were filled out by people already registered, and many others contained insufficient information."
105. Nevada and federal officials announced in August that they would form a task force to aggressively pursue allegations of unlawful voter registration, with the Las Vegas Review-Journal specifically noting "Clark County officials have said they suspect fraud is occurring in the thousands of voter registrations being submitted by [ACORN]."
106. In Wisconsin, ACORN has allegedly offered to bribe citizens with pre-paid gasoline cards or restaurant gift cards to induce them to register. Further voter registration problems include apparently falsified drivers license numbers, Social Security numbers, and similar personal information. By the end of August, 2008, Milwaukee's Election Commission Executive Director had referred over 49 individuals to prosecutors for suspected unlawful voter registration - of them, 37 were ACORN employees. An August 20 report from the Milwaukee Journal-Sentinel noted that of the 35 ACORN employees referred for investigation, seventeen apparently filled out voter applications and then

signed the cards themselves. That involved two to four cards in each case; twelve submitted cards for individuals who later told ACORN they never filled out an application (that involved one card in each case); one submitted a card for a dead voter, which was the second such case; a Project Vote worker previously submitted a card for a deceased voter; one was apparently making up drivers' license numbers for an unknown number of voters; one submitted about a half-dozen applications for already-registered voters; and one woman reportedly complained that a voter registration card was submitted for her husband, who had been dead for 10 years.

107. In Michigan, a Secretary of State spokesperson recently (Summer-Fall, 2008) said "[t]here appears to be a sizeable number of duplicate and fraudulent applications ... and it appears to be widespread." In Pontiac, Michigan, the clerk's office has found numerous applications filed for a given name. In Oak Park, Michigan, the clerk has been seeing "lots of duplication" from ACORN in recent months. Another official from the Michigan Secretary of State's office has acknowledged that because ACORN pays their workers per voter application collected, there is an incentive for fraud, and that ACORN tends to hold applications, many of which are false and duplicate, for months and dump them on election officials at the registration deadline.
108. In September, 2008, Durham County, North Carolina's elections officials have asked for an investigation of dozens of cards submitted by ACORN. One was for a fourteen-year-old boy.
109. In 2008 alone, ACORN's activities have prompted calls for investigations in nearly a dozen states: Louisiana, Pennsylvania, Connecticut, New Mexico, Texas, Nevada, Ohio, Wisconsin, Michigan and North Carolina, with new investigations developing regularly.
110. After the November 4, 2008 elections, it is very likely that there will be evidence, consistent with these predicate acts, demonstrating that fraudulent votes were cast in that election.

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111. These incidents of corrupt activity constitute a regular way of conducting the enterprise's otherwise legitimate business.
112. Given that these incidents have occurred over many years, and in many states, they are not isolated, and are not so closely related to each other in time and place so as to constitute a single event.
113. The incidents articulated heretofore have constituted, do constitute, and/or would constitute violations of R.C. 2913.31(A)(1), (2), and/or (3); R.C. 2913.42(A)(1) and/or (2); R.C. 2913.31.
114. The incidents of corrupt activity described above constitute a "pattern of corrupt activity," as that term is defined in R.C. 2923.31(E), given that they have the same or similar purposes, results, participants and methods of commission and are otherwise interrelated and are not isolated events.

115. Defendants are still engaged in, and are continuously engaged in, conduct similar or tantamount to the predicate acts articulated above and heretofore.
116. Given this lengthy and ubiquitous history of voter fraud, embezzlement, and misuses of taxpayer funds, Defendants activities can no longer be dismissed, as ACORN has previously characterized it, as a series of "unfortunate events."
117. ACORN itself, and not just its agents, is responsible for the perpetration of the predicate acts articulated heretofore, in that it either acted with intent to cause these acts, or with negligence or reckless indifference as to whether these acts occurred.
118. Given its hiring, training, and compensation practices, ACORN knew or should have known that its conduct would cause fraud, and knows or should know that its conduct will cause fraud in the future.
119. In 2008, Defendants have engaged in this pattern of corrupt activity in Ohio with full knowledge that Secretary of State Jennifer Brunner is pursuing a policy of refusing to cross-check new voter registrations against an outside, independent database in order to verify the identity of the voter.
120. Defendants have engaged in this pattern of corrupt activity with full knowledge that, due to Ohio laws and policies, there is limited opportunity to withhold, from elections boards, fraudulent registrations that have been gathered.
121. Defendants have engaged in this pattern of corrupt activity with full knowledge that fraudulent registrations submitted by ACORN are given to county boards of elections, put into their database, which is then uploaded to the official Statewide Voter Registration Database, and that thereafter the Ohio Secretary of State has offered no effective means of accessing and reviewing mismatches.
122. Brunner's aforementioned policies enhance the likelihood that, due to ACORN's pattern of corrupt activity fraudulent votes will be cast in the 2008 elections.
123. Given the size of ACORN's efforts and the fact that the abuses appear to be systemic, it is likely that fraudulent registrations have not been discovered, and will lead to fraudulent votes.
124. Fraudulent voting, whether from deceased individuals and felons, or through the casting of multiple votes, has occurred in the past, and such fraudulent votes have been counted.
125. Defendant ACORN's continued participation in the electoral process poses a perpetual and continuous threat to the voting rights of Plaintiffs and similarly-situated citizens.
126. By means of the pattern of corrupt activity described heretofore, Defendants have injured and/or threaten to injure the Plaintiffs and similarly-situated citizens by diluting and/or threatening to dilute their vote, depriving them or threatening to deprive them of their right to participate in an honest and fair electoral process, impairing or threatening to

impair the Plaintiffs' right to have government officials chosen and ballot measures approved or disapproved by means of a fair and accurate election process.

127. The casting of even one fraudulent vote dilutes the votes of Ms. Miller, Ms. Grant, and others, both in Ohio and nationwide, and is unlawful, and the use of government funds to accomplish this end is further unlawful.
128. This dilution is capable of repetition in any future election.
129. As recent election results demonstrate, just few votes can alter the outcome of an election, the course of our state and nation, and the course of history.

WHEREFORE, Plaintiffs hereby demand judgment as follows:

- (1) The dissolution of Defendant ACORN, pursuant to R.C. 2923.34(C)(3).
- (2) The revocation of any license or permit that allows Defendant ACORN to carry on its business in the State of Ohio, pursuant to R.C. 2923.34(C)(4).
- (3) The imposition of restrictions upon Defendant ACORN's future political and elections-related activities, including restrictions that prohibit the Defendants from engaging in the same type of activity that has produced the pattern of corrupt activity articulated in this Complaint, pursuant to R.C. 2923.34(C)(2).
- (4) The imposition of a restriction prohibiting ACORN from circumventing such a court order through the use of third-party operations or sham organizations.
- (5) The awarding of attorneys fees to Plaintiffs, pursuant to R.C. 2923.34(G).
- (6) The awarding such other and further relief as the court shall deem just and equitable.

Respectfully submitted,

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**JURY DEMAND**

Plaintiffs hereby demand trial by jury in this action.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

A copy of the foregoing was served upon the following, via ordinary mail, this 27<sup>th</sup> day of October, 2008:

ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR REFORM NOW  
National Registered Agents, Inc.  
145 Baker Street  
Marion, Ohio 43302

PROJECT VOTE-VOTING FOR AMERICA, INC.  
Serve: National Registered Agents, Inc.  
145 Baker Street  
Marion, Ohio 43302

Respectfully submitted,

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